

## Minutes for the Annual Town Meeting held May 7, 2018

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Gymnasium to vote on the following articles with actions as noted. The Moderator called the meeting to order at 7:02 p.m. with a quorum of 209 voters present.

Articles 1 through 9.

A motion was made and seconded by the Board of Selectmen to approve Articles 1-9 as printed in the warrant, and that the sum of \$2,400 be raised and appropriated for Article 1; that the sum of \$12,000 be transferred from free cash for Article 4; that the sum of \$16,000 be transferred from free cash for Article 5; that the sum of \$50,000 be transferred from free cash for Article 6; that the sum of \$50,000 be transferred from free cash for Article 7; that the following transfers be made from free cash to FY18 Article 12 for Article 8: \$5,000 to Treasurer Office Salaries; \$6,100 to Town Clerk Office Salaries; \$1,500 to Planning Office Expense Account; \$1,500 to Bank Charges Expense Account; \$2,000 to Treasurer Office Expense Account; \$3,000 to Data Processing Expense Account; \$10,000 to Fire Department Expense Account; \$10,000 to Central Purchasing Expense Account; \$30,000 to Municipal Buildings Expense Account; \$30,000 to Bulk Fuel Expense Account; \$34,200 to Debt Service Expense Account; and \$16,700 to Finance Committee Reserve Fund; and that \$85,835 be raised and appropriated for Article 9 and so that the articles read as follows:

Article 1. To raise and appropriate from available funds **\$2,400** for Greenhead Fly Control as authorized by G.L. C.252 §24, and authorize the Town Treasurer to pay said appropriation into the State Treasury.

Article 2. To assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts.

Article 3. To accept the provisions of M. G. L. C.71, §16B, which would reallocate the sum of member towns' funding obligation for the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called; for fiscal year 2020.

Article 4. To transfer from free cash **\$12,000** to the Visitors Service Board in accordance with Annual Town Meeting Article 26, May 4, 1998, to be expended by the Visitors Services Board on the following items: Landscaping, lighting, holiday decorations and general improvements on Windmill Green, Flower Island support, Summer concerts.

Article 5. To transfer from Free Cash \$16,000 to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth.

Article 6. To transfer from Free Cash \$50,000 to add to the OPEB Trust as provided under Chapter 40, Section 5B of the General Laws to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions.

Article 7. To transfer from Free Cash \$50,000 to the Stabilization Fund, established under Massachusetts General Laws, Chapter 40, Section 5B.

Article 8. To transfer from Free Cash the sum of \$150,000 to be apportioned as follows to the May 2017 Annual Town Meeting Article 12; \$5,000 to Treasurer Office Salaries; \$6,100 to Town Clerk Office Salaries; \$1,500 to Planning Office Expense Account; \$1,500 to Bank Charges Expense Account; \$2,000 to Treasurer Office Expense Account; \$3,000 to Data Processing Expense Account; \$10,000 to Fire Department Expense Account; \$10,000 to Central Purchasing Expense Account; \$30,000 to Municipal Buildings Expense Account; \$30,000 to Bulk Fuel Expense Account; \$34,200 to Debt Service Expense Account; and \$16,700 to Finance Committee Reserve Fund.

Article 9. To fix the salary and compensation of all elected officials of the Town as provided by M.G.L. Chapter 41 Section 108, as amended, and further to raise and appropriate \$85,835 for the following positions:

Moderator	\$ 500
Town Clerk	\$72,835
Selectmen (5) 2,500 each	\$12,500
Total	\$85,835

Articles 1-9 Passed – majority vote declared by Moderator  
Count: 323 Yes 11 No

Article 10. A motion was made and seconded by the Board of Selectmen pursuant to the provisions of M.G.L. Chapter 43B Section 10, to amend the Town of Eastham Home Rule Charter, to change the position of town clerk from elected to appointed, as follows:

1. Delete §C3-8C which currently provides: “A Town Clerk shall be elected for a term of three years at an annual Town election”; and renumber the remaining sections of Chapter 3 accordingly.
2. Revise §C4-4 by inserting the underlined text, as follows: “The Town Administrator shall appoint, on the basis of merit and fitness alone, and may remove, except as otherwise provided by General Laws, this Charter, personnel bylaws, or collective bargaining agreements that may be applicable, a Town Clerk, Town Treasurer/Collector, a Police Chief, a Fire Chief, a Town Accountant, and all other department heads, officers, subordinates and employees, full- and part-time”
3. Insert as a new §C8-2 the following transitional provision: “Upon the effective date of the amendments to the Town Charter approved under Article 11 of the 2018 Annual Town Meeting,

the position of elected Town Clerk shall be abolished and the term of the elected incumbent terminated; provided, however, that the incumbent elected town clerk then holding office shall serve as the first appointed town clerk for a period equivalent to remainder of the elected term or said clerk's sooner resignation, retirement or removal for cause. Thereafter, the Town Clerk shall be appointed by the Town Administrator pursuant to §C4-4 of the Charter.

Motion failed to pass by 2/3 majority  
Count: 71 Yes 266 No

Article 11. A motion was made and seconded by the Board of Selectmen to transfer from Free Cash the sum of **\$10,000** to assist Eastham 400 Commemoration Committee (Eastham 2020 Committee) in preparing programs, purchasing supplies, printing, and carrying out duties related to the planning and fund raising for the commemoration of the 400<sup>th</sup> anniversary of the first landing; and further that said funds shall be authorized to be spent by the Town Clerk acting as Town liaison.

Passed – majority vote declared by Moderator  
Count: 325 Yes 16 No

Article 12. A motion was made and seconded by the Board of Selectmen to set the operating budget at **\$28,394,826** as printed in the warrant, and to meet this expenditure, to raise and appropriate and use estimated receipts totaling **\$28,006,426**; and transfer from the ambulance receipts reserved account **\$270,000** to Line 32 Fire Salaries; transfer from the Septic Loan Betterment Account **\$20,400** to Line 72 Septic Betterment Loan; transfer from the Windmill receipts reserved account **\$2,000** to Line 67 Beach & Recreation Expense; transfer from the Government Media Access Account **\$90,000** to Line 14 IT Department Salary; transfer from the Waterway Improvement Account **\$6,000** to Line 20 Natural Resources Salary, and further transfer from Free Cash (dog receipts) an additional **\$2,500** to Line 65, Library Expense.

Passed – majority vote declared by Moderator  
Count: 317 Yes 16 No

Article 13. A motion was made and seconded by the Board of Selectmen to appropriate **\$788,000** and to meet this appropriation, transfer from Free Cash **\$583,000** and transfer from the Ambulance Receipts Reserved Account **\$205,000** for the purposes of acquiring the items and undertaking the improvements as printed in the warrant, except for the Salt Pond Remediation, the Rock Harbor Improvement Plan and the Police Station Renovation which will be the subject of separate motions under articles 15, 16 and 17.

Passed – majority vote declared by Moderator  
Count: 321 Yes 18 No

Article 14. A motion was made and seconded by the Board of Selectmen to move in accordance with the requirements of the Town of Eastham Home Rule Charter Section 6-6A to accept the Capital Improvement Plan for FY20-FY24, as printed in the warrant, except for the removal of line 140.

Passed – majority vote declared by Moderator  
Count: 327 Yes 14 No

Article 15. A motion was made and seconded by the Board of Selectmen to appropriate the sum of **\$470,000** for costs associated with the wastewater engineering and study for alternative systems for Salt Pond remediation, to provide for a grant match for Route 6/Salt Pond draining improvements and to mitigate the effects of pollution in Schoolhouse and Minister's Ponds; including all costs incidental and related thereto; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$470,000 and to issue bonds and notes therefor pursuant to M.G.L. Chapter 44, Sections 7 or 8 or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Passed – 2/3 majority vote declared by Moderator  
Count: 327 Yes 17 No

Article 16. A motion was made and seconded by the Board of Selectmen to appropriate the sum of **\$1,300,000** for costs associated with the Rock Harbor Improvement Plan, phase I including replacement, construction and improvements to the Rock Harbor Marina area docks, pilings, floats, the Harbormaster building, parking, improved access to commercial docks, water and electrical, all related engineering & permitting costs; including all costs incidental and related thereto; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$1,300,000 and to issue bonds and notes therefor pursuant to M.G.L. Chapter 44, Sections 7 or 8 or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Passed – 2/3 majority vote declared by Moderator  
Count: 261 Yes 80 No

Article 17. A motion was made and seconded by the Board of Selectmen to appropriate the sum of **\$600,000** for costs associated with the replacement of the police station roof and renovation of the locker rooms, kitchen, training rooms, bathrooms and all related architectural, engineering and permitting costs related to this renovation and all other costs incidental or related thereto; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$600,000 and to issue bonds and notes therefor pursuant to General Laws Chapter 44, sections 7 or 8 or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Passed – 2/3 majority vote declared by Moderator  
Count: 305 Yes 36 No

Articles 18, 19, 20, 21 – A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning bylaws; **Section IX Intensity Regulations, Subsection D.5 Residential Lot Intensity**, as printed in the warrant in Article 18; **Section V Uses, All Districts** as printed in the warrant in Article 19; **Section III -Definitions** by deleting the language, as printed in the warrant in Article 20; and **Section XII-Administration, and Section XIII-Site Plan Approval-Special Permit** as printed in the warrant in Article 21. The articles to read as follows:

Article 18. To amend the Eastham Zoning Bylaw, **Section IX Intensity Regulations, Subsection D.5 Residential Lot Intensity** as follows:

~~Strikethrough~~ = Language proposed for deletion  
Underline = Language proposed for inclusion

4. Any proposed addition to or expansion of an existing dwelling or accessory structure in District F: Seashore District must submit an application to the Eastham Planning Board under Section XIV – Site Plan Approval – Residential, if the addition or expansion exceeds ~~400~~ 200 square feet.

5. Any project resulting in an increase of 200 square feet or less of site coverage, as defined in Section III of the Eastham Zoning Bylaw, shall be exempt from Site Plan Approval – Residential. No more than one (1) exemption shall be granted within a five (5) year period.

Article 19. To amend the Eastham Zoning Bylaw, **Section V Uses, All Districts** as follows:

~~Strikethrough~~ = Language proposed for deletion  
Underline = Language proposed for inclusion

ALL DISTRICTS:

- Municipal uses are allowed by-right
- Commercial Communications Towers are allowed only on Town owned land.
- Special Permits may be granted for any use not specifically permitted but which is consistent with the intent of the zoning district characteristics as expressed in Section 3 of this By-Law.

Article 20. To amend the Eastham Zoning Bylaw, **Section III -Definitions** by deleting the language, as follows:

~~Strikethrough~~ = Language proposed for deletion  
Underline = Language proposed for inclusion

~~HEIGHT, BUILDING—The vertical distance from the grade plane to the highest point of a gable, hip or gambrel roof and the highest point of the coping of a flat roof, but excluding chimneys, cupolas, flagpoles or other similar and customary appurtenances.~~

Article 21. To amend the Eastham Zoning Bylaw, **Section XII-Administration and Section XIII Site Plan Approval-Special Permit** as follows:

~~Strikethrough~~ = Language proposed for deletion  
Underline = Language proposed for inclusion

~~C. Construction or operations under a building or special permit shall conform to any subsequent amendment or the ordinance or by-laws unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.~~

D. All special permits and variances shall lapse ~~one (1) year~~ three (3) years from date of issue unless construction or operation under said permit has commenced. All rights authorized by a variance shall be exercised within one (1) year of the date of grant of such variance. If a matter is under court appeal, a special permit or variance shall be deemed issued on the date that a final court determination enters in the case.

And also amend

**SECTION XIII – SITE PLAN APPROVAL – SPECIAL PERMIT** as follows:

**H. ENFORCEMENT**

1. Any special permit with site plan approval issued under this section shall lapse within ~~two years~~ three (3) years if a substantial use thereof has not sooner commenced or, in the case of a permit for construction, if construction has not begun by such date. ~~completion of the requirements of the Site Plan has not taken place.~~ Such permit may be extended for reasonable cause.

Articles 18, 19, 20, 21 Passed – 2/3 majority vote declared by Moderator  
Count: 306 Yes 21 No

Article 22. A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw by *deleting Section V District I- North Eastham Overlay in its entirety* and replacing it with a new section **District V. I-Eastham Corridor Special District** as follows:

**DISTRICT I - EASTHAM CORRIDOR SPECIAL DISTRICT**

**A. STATUTORY AUTHORITY**

On November 1, 2017, the Barnstable County Assembly of Delegates adopted Barnstable Ordinance 17-12 and designated the district shown on a map labeled “Town of Eastham – Proposed DCPC August 2017” (“DCPC Map”) as District of Critical Planning Concern (“DCPC”), pursuant to Section 11 of the Cape Cod Commission Act (St. 1989, c.716, as amended)(“CCCA”) and pursuant to CCCA Section 11(d), the Town adopted these implementing regulations to regulate the DCPC which shall be known as the Eastham Corridor Special District.

**B. PURPOSE**

The purpose of the Eastham Corridor Special District, as designated in Barnstable County Ordinance 17-12, is to enhance and protect the character of Eastham’s commercial areas, encourage mixed-use development, support and enhance the economy in North Eastham, improve bicyclist and pedestrian safety and access along the Route 6 corridor, minimize traffic conflicts and improve access management throughout the District, expand opportunities for creation of affordable housing, and adopt best management practices to manage nutrients discharged through stormwater within the District.

**C. APPLICABILITY**

**1. District Boundaries**

The provisions of this Section shall apply within the Eastham Corridor Special District (ECSD), as shown on the DCPD Map [and as shown in more detail on a map entitled “Eastham Corridor Special District” Map dated May 7, 2018].

## **2. Neighborhood Districts**

For the purpose of this zoning bylaw, the Eastham Corridor Special District is divided into the following neighborhood zoning districts:

### **Core Commercial District (CC)**

The purpose of the Core Commercial District is to create a compact, vibrant commercial center at Route 6 and Brackett Road that contains small-scale commercial uses consistent with the neighborhood character and with interconnections between properties to facilitate convenient pedestrian and bicycle access and circulation. Buildings shall have small setbacks to the street, and no parking shall be allowed in front yards. The Core Commercial District has a commercial focus but also allows for accessory residential units.

### **Office/Residential District (O/R)**

The purpose of the Office/Residential District is to allow a mix of residential and compatible low intensity commercial uses in a walkable, residential scale neighborhood. All development will follow traditional residential patterns. No direct access to Route 6 shall be allowed from lots in Office/Residential District in order to improve safety and to limit curb cuts on the highway.

### **Transition Commercial District (TC)**

The purpose of the Transition Commercial District is to allow for small-scale commercial and residential uses on the Route 6 corridor outside of the Core Commercial area, with greater setbacks from Route 6, landscape treatments, and minimal visibility of parked cars, while maintaining pedestrian scale development and accessibility. A single curb cut shall provide access to Route 6 from lots in the Transition Commercial District in order to improve safety and limit curb cuts on the highway.

### **Limited Commercial District (LC)**

The purpose of the Limited Commercial District is to allow for a predominantly residential area with low-intensity commercial uses on Route 6 well outside the Commercial Core, maintaining pedestrian scale development and accessibility, and avoiding creation of hazards or congestion. A single curb cut access to Route 6 shall be provide access to Route 6 from lots in the Limited Commercial District in order to improve safety and limit curb cuts on the highway.

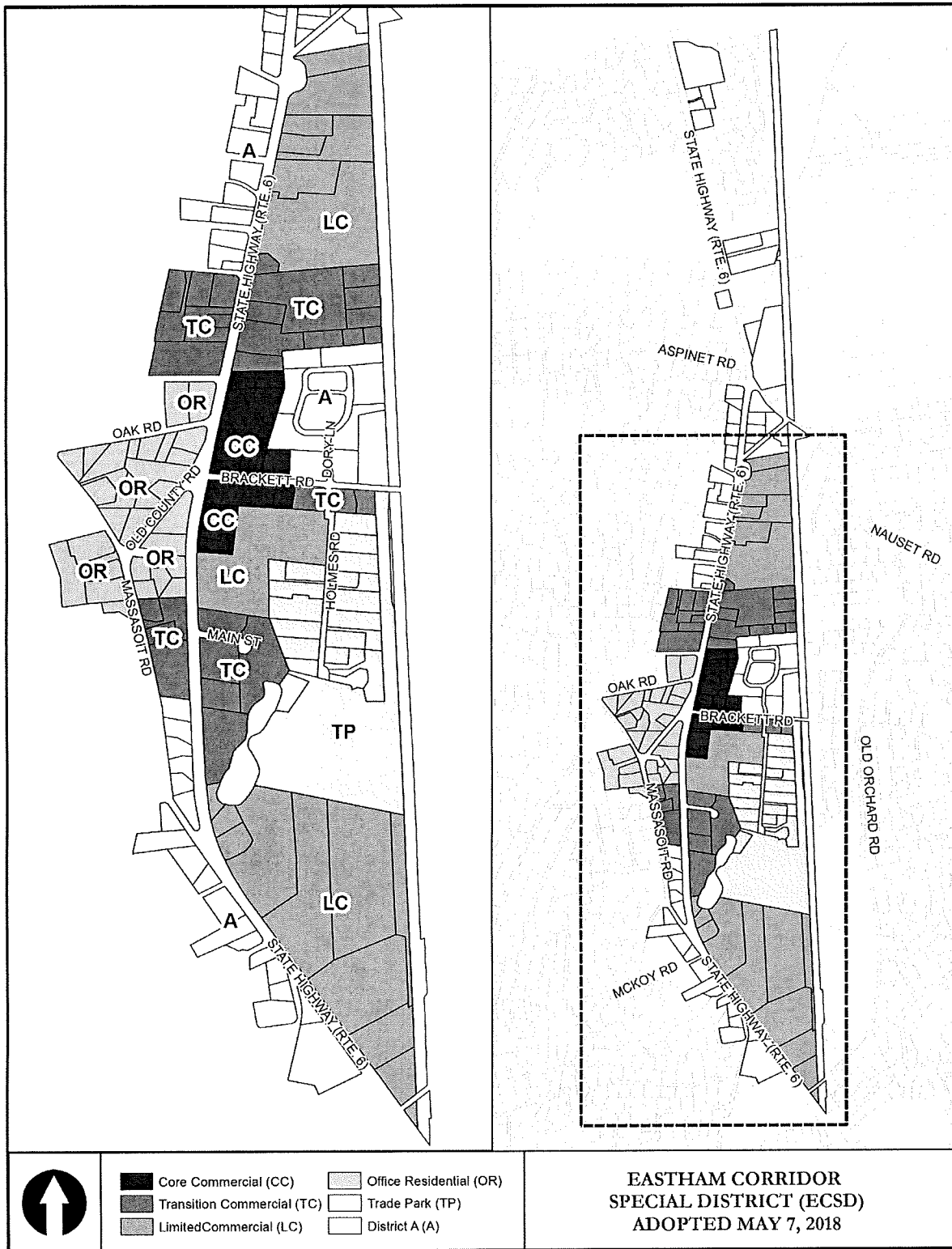
### **Trade Park (TP)**

The purpose of the Trade Park District is to support the industrial and trade needs of the community, providing an appropriate location off of Route 6 for businesses in the building trades and similar industries.

### **District A (Residential Uses)**

A residential district of single-family and two-family dwellings. A portion of District A is located within the ECSD and pre-dates establishment of the ECSD. This Section does not establish new zoning for District A. *(For District A zoning regulation see Sections V and IX. Site Plan Approval for residential uses within the ECSD where required under Section IX, shall fall under Eastham Zoning Bylaw Section XIV Site Plan Approval Residential).*





### **3. Relationship to Other Regulations**

The provisions in this Section (Section V, District I - Eastham Corridor Special District) apply to all development within the Eastham Corridor Special District. Other sections of the Town of Eastham Zoning Bylaw also apply within this special district, except that where this Section conflicts with or differs from other sections of the Eastham Zoning Bylaw, this Section shall control.

### **D. SPECIAL PERMIT GRANTING AUTHORITY AND SITE PLAN REVIEW**

1. The Planning Board shall be the Special Permit Granting Authority (SPGA) for Special Permits within the Eastham Corridor Special District.
2. The Town Planner shall be the Planning Board's designee for conducting Minor Site Plan Approval within the Eastham Corridor Special District. The Planning Board shall be responsible for conducting Major Site Plan Approval in the Eastham Corridor Special District.

### **E. DEFINITIONS**

As used in the ECSD, the following terms shall have the meanings indicated:

**Accessory Use or Building** – A use or structure which is customarily incidental to and subordinate in area, extent, and purpose to that of the principal structure or use and shall be located on the same lot therewith. If such use or structure occupies more than 40% of the floor area occupied by the principal structure or use or more than 50% of the lot area occupied by the principal structure or use, it shall no longer be considered accessory.

**Accessory Dwelling Unit (ADU)** – A dwelling unit incorporated within or attached to a principal use on the same lot, which ADU shall be clearly subordinate in size to that principal use.

**Formula Business** – A retail business, restaurant, or other food service establishment which does or is required by contractual or other arrangement such as a franchise to maintain two (2) or more of the following items:

1. Standardized (formula) array of services and/or merchandise, trademark, or logo;
2. Standardized exterior architecture, décor, or color scheme;
3. Standardized signage;

and these features are the same as or substantially the same as ten (10) or more such establishments, regardless of ownership or location.

**Frontage Building** - The building that abuts the front yard, front lot line, exterior (street-facing) side yard, or exterior side lot line. Corner buildings shall have two frontages.

**Front Yard** – A space extending the full width of the lot between the front line of the nearest building wall or structure and the front lot line. On corner lots or lots with frontage on two roadways, the front yard shall extend along the frontage on both streets.

**Change of Use** – A change in the nature or purpose of a use for a developed site.

**Gross Floor Area (GFA)** – The sum of the area of all floors within the perimeter of a building, located either above or below ground level. Gross floor area shall be expressed in square feet and measured from the exterior face of the exterior walls, or the centerline of shared walls. It shall include mezzanines and attics without deduction for hallways, stairways, elevator shafts, mechanical rooms, closets, thickness of walls, columns, projections, or other similar features. Crawl spaces for plumbing, wiring, or other mechanical infrastructure or for storage and in all cases not designed for human occupancy shall not count towards Gross Floor Area. Outdoor areas used for storage, sales, service and display shall also be included in the total Gross Floor Area.

**Interconnection** – A shared access way among properties to reduce the number of curb cuts, driveways and vehicle maneuvers on adjacent roadways.

**Pocket Park/Pedestrian Plaza** – Landscaped and/or hardscaped area with benches, bike rack, landscaping and special pavement treatment.

**Principal Use or Building** – A primary use on a lot or a building on a lot on which the primary use is located. (See also Accessory Use or Building).

**Setback** – The required distance between every structure and the lot lines of the lot on which it is located.

**Vegetated Buffer** – A combination of mixed hardwood and evergreen trees and shrub plantings designed to provide screening of development from adjacent roadways. Pedestrian amenities such as sidewalks may be located within the vegetated buffer where appropriate.

## F. ECSD USE REGULATIONS

### 1. Allowed Uses

In the following ECSD Table of Use Regulations, uses that are permitted by right in the district are designated by the letter (Y). Uses that may be permitted by special permit in the district are designated by the letter (SP). Uses designated (X) are not permitted in the district.

	CORE COMME RCIAL	TRADE PARK	TRANSITI ON COMMER CIAL	OFFICE/ RESIDEN TIAL	LIMITED COMMER CIAL
<b>PRINCIPAL USES</b>					
<b>AGRICULTURE</b>					
Farm	X	Y	Y	Y	Y
Plant nursery, other horticulture or floriculture	X	Y	Y	Y	Y
<b>RESIDENTIAL</b>					

	CORE COMMER CIAL	TRADE PARK	TRANSITI ON COMMER CIAL	OFFICE/ RESIDEN TIAL	LIMITED COMMER CIAL
Assisted living residence, with or without independent living	X	X	Y	Y	Y
Single-family dwelling	X	X	X	Y	Y
Two-family or duplex dwelling	X	X	X	Y	Y
Apartments and townhouses	X	X	Y	Y	Y
COMMERCIAL					
Antique, Craft, and Gift shops	Y	X	Y	Y	Y
Adult entertainment	X	SP	X	X	X
Animal hospital or veterinary office	X	X	Y	Y	X
Art gallery	Y	X	Y	Y	Y
Auction house	X	Y	X	X	X
Automotive repair, service	X	Y	X	X	X
Bakery, wholesale	Y	Y	Y	X	X
Bank	Y	X	Y	Y	Y
Barber shop, beauty salon	Y	X	Y	Y	Y
Boat building, repair, storage	X	Y	X	X	X
Cinema, movie theater	SP	X	Y	X	X
Contractor's yard	X	Y	X	X	X
Dry cleaning, laundromat	Y	X	Y	X	X
Fitness center, gym	Y	X	Y	X	Y
Food Truck	SP	SP	SP	SP	SP
Formula Business	SP	X	SP	X	X
Hospice care facility	X	X	Y	SP	Y
Hotel, Inn, Motel, Hostel	X	X	X	X	X
Industry, light	X	Y	X	X	X
Junk Yard	X	SP	X	X	X
Kennel, commercial (not defined)	X	X	Y	Y	Y
Nursing or convalescent facility	X	X	Y	Y	Y
Professional offices	Y	X	Y	Y	Y
Publishing and/or printing establishment	X	Y	X	X	X
Rental, automobile, truck, trailer	X	Y	X	X	X
Rental, boat, fishing gear	X	Y	X	X	X
Restaurant ≤3,000 sf GFA	Y	X	Y	SP	SP

	CORE COMMER CIAL	TRADE PARK	TRANSITI ON COMMER CIAL	OFFICE/ RESIDEN TIAL	LIMITED COMMER CIAL
Restaurant >3,000 sf GFA	SP	X	SP	X	X
Retail sales/service, ≤3,000 sf GFA	Y	X	Y	Y	X
Retail sales/service, >3,000 sf GFA	SP	X	SP	X	X
Resort and conference center	X	X	X	X	X
Service and repair, non-automotive (carpentry, electrical, plumbing, etc.)	X	Y	X	X	SP
Spa resort	X	X	X	X	Y
Studio, artist dance, photography	Y	Y	Y	Y	Y
INDUSTRIAL					
Concrete batching plant	X	SP	X	X	X
Manufacturing, assembling, processing, packaging	X	Y	X	X	X
Plumbing, electrical, carpentry	X	Y	X	X	X
Warehousing, Rental, and bulk storage	X	Y	X	X	X
Wastewater Effluent disposal	X	SP	X	X	X
Wind, Solar, Energy Facility (other than private)	X	SP	X	X	X
GOVERNMENT, CULTURAL, INSTITUTIONAL					
Conservation, open space land	X	X	Y	Y	Y
Municipal use	Y	Y	Y	Y	Y
Museum	Y	Y	Y	X	X
Public use, other	Y	X	Y	X	Y
Recreation, passive	Y	X	Y	Y	Y
ACCESSORY USES					
COMMERCIAL					
Antique, craft, and gift shops	Y	Y	Y	Y	Y
Barber shop, beauty salon	Y	X	Y	Y	Y
Office	Y	X	Y	Y	Y
Retail complementary to principal use	Y	Y	Y	X	Y
Service trades	X	Y	X	X	X
RESIDENTIAL					
Affordable Dwelling unit	Y	Y	Y	Y	Y

	CORE COMMER CIAL	TRADE PARK	TRANSIT ON COMMER CIAL	OFFICE/ RESIDEN TIAL	LIMITED COMMER CIAL
Apartment located above permitted commercial use	Y	Y	Y	Y	Y
Single-family	Y	X	Y	Y	Y
Two-family or duplex dwelling	Y	X	Y	Y	Y
Apartments and townhouses	Y	X	Y	Y	Y
Bed and breakfast	X	X	X	Y	Y
Family daycare, licensed per G. L. c. 15D, §1A.	Y	X	Y	Y	Y
Farm stand, non-exempt per G. L. c. 40A, §3Y.	SP	X	Y	SP	SP
Home Occupation	Y	X	Y	Y	Y

## 2. Continuation

Any lawfully established lot, structure or use existing at the time of the adoption of this Section that does not conform to the provisions of the Eastham Corridor Special District shall be allowed to continue.

## 3. Change, Alteration, Expansion of Non-Conforming Structures and Uses

Notwithstanding the provisions of G.L Chapter 40A, and Section VI of the Eastham Zoning Bylaw, lawfully established structures and uses in existence as of May 7, 2018 that do not conform to the ECSD District Wide Development Standards may be changed, altered or expanded in accordance the following procedures:

### a. Minor Site Plan Review

A pre-existing, non-conforming structure or use may change or expand up to 250 square feet of gross floor area through Minor Site Plan Review in accordance with Section V, District I, subsection H.3.a, Minor Site Plan Review, provided that the following criteria are determined to be met:

1. The property shall have no more than one defined curb cut onto Route 6 and shall not propose additional Route 6 curb cuts;
2. A landscape buffer of at least 20 feet in depth exists and shall be maintained on the subject property along its road frontage;
3. No additional parking or pavement shall be proposed in the lot's Front Yard area.
4. Any change or expansion shall comply with all dimensional standards in the ECSD.

### b. Major Site Plan Review

A pre-existing, non-conforming structure or use may change or expand up to 1,000 square feet of gross floor area in accordance with Section V, District I, subsection

H.3.b, Major Site Plan Review, provided that the following criteria are determined to be met:

1. The property shall have no more than one defined curb cut onto Route 6 or shall provide an interconnection to an adjacent property to limit future curb cuts onto Route 6;
2. A landscape buffer of at least 20 feet in depth wide exists or will be provided and shall be maintained on the subject property along its road frontage;
3. The amount of parking in the Front Yard area shall be reduced; and
4. Any change or expansion shall comply with all dimensional standards in the ECSD

c. **Special Permit**

A pre-existing, non-conforming structure or use that proposes to change or expand more than 1,000 square feet of gross floor area requires a Special Permit in accordance with Section V, District I, subsection K, ECSD Site Plan Special Permit. The change or expansion shall comply with all dimensional standards in the ECSD, including building setback, parking location, maximum building footprint, façade variation, landscaping, and Route 6 access.

**4. Use Limitations**

- a. Special Permits may be granted for uses not specifically permitted but which is consistent with the intent of the zoning district characteristics as expressed in Section V.(I) of this bylaw.
- b. Drive-throughs are prohibited, except for banks.

**G. ECSD DISTRICT WIDE DEVELOPMENT STANDARDS**

The following standards shall apply to all development within the district. The Planning Board (SPGA) or in the case of Minor Site Plan Approval, the Planning Board's designee, shall use the standards as criteria for consideration of Major and Minor Site Plan Approvals and Special Permit approval.

**1. Dimensional Standards**

	CORE COMMERCIAL	TRADE PARK	TRANSITION COMMERCIAL	OFFICE/ RESIDENTIAL	LIMITED COMMERCIAL
Minimum Lot Size	20,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf
Minimum Frontage Building Setback	20' on Route 6 5' on Brackett Rd	25'	25'	25'	25'

	CORE COMMERCIAL	TRADE PARK	TRANSITION COMMERCIAL	OFFICE/ RESIDENTIAL	LIMITED COMMERCIAL
Maximum Frontage Building Setback	30' on Route 6 15' on Brackett Rd	NA	50'	50'	
Side Setback	10' on Route 6 0'-15' on Brackett Rd	10'	10'	10'	10'
Rear Setback	10'	10'	10'	10'	10'
Parking Setback	At least 20' behind front building facade	10'	At least 20' behind front building facade	At least 20' behind front building facade	At least 20' behind front building facade
Maximum Individual Building Footprint	3,000 sf in front of lot; 8,000 sf if located behind frontage buildings	10,000 sf	3,000 sf in front of lot; 8,000 sf if located behind frontage buildings	2,000 sf in front of lot; 5,000 sf if located behind frontage buildings	3,000 sf in front of lot; 8,000 sf if located behind frontage buildings
Maximum Total Building Coverage	50%	50%	30%	30%	30%
Maximum Lot Coverage	80%	80%	80%	65%	65%
Maximum Building Height	2 stories or 30' for pitched roofs at least 7/12; 20' for flat-roofed buildings or for roofs with a slope less than 7/12.	2 stories or 30' for pitched roofs at least 7/12; 20' for flat-roofed buildings or for roofs with a slope less than 7/12.	2 stories or 30' for pitched roofs at least 7/12; 20' for flat-roofed buildings or for roofs with a slope less than 7/12.	2 stories or 30' for pitched roofs at least 7/12; 20' for flat-roofed buildings or for roofs with a slope less than 7/12.	2 stories or 30' for pitched roofs at least 7/12; 20' for flat-roofed buildings or for roofs with a slope less than 7/12.



	CORE COMMERCIAL	TRADE PARK	TRANSITION COMMERCIAL	OFFICE/ RESIDENTIAL	LIMITED COMMERCIAL
Gross Floor Area on 2 <sup>nd</sup> Floor	Less than or equal to 40% of a building's total gross floor area	Less than or equal to 40% of a building's total gross floor area	Less than or equal to 40% of a building's total gross floor area	Less than or equal to 40% of a building's total gross floor area	Less than or equal to 40% of a building's total gross floor area
Façade Variation	5' setback or projection every 40'		5' setback or projection every 40'	5' setback or projection every 40'	5' setback or projection every 40'
Pocket Park/Pedestrian Plaza	50 sf per development site				
Landscaping	Street trees 1 every 35' 3" min. caliper; landscaping required in front yard area	Minimum 10' wide vegetated buffer	Minimum 25' wide vegetated buffer	Minimum 25' wide vegetated buffer	Minimum 25' wide vegetated buffer
Parking Lot Landscaping	100 sf every 10 spaces	100 sf every 10 spaces	100 sf every 10 spaces	100 sf every 10 spaces	100 sf every 10 spaces
Route 6 Access	Only one Route 6 curb cut allowed		Only one Route 6 curb cut allowed	No Route 6 access allowed; must use secondary road access	Only one Route 6 curb cut allowed

## 2. Parking, Driveway, Vehicular and Pedestrian Access Standards

- a. All driveway and parking areas shall be visually buffered from all streets by placing them behind frontage buildings and through the use of berms or natural features and/or plantings, using materials that shall maintain a minimum of 50% of their effectiveness year-round. All driveway and parking areas shall be visually buffered from adjoining residential uses by one or more of the following: earthen berms, fencing, and plantings, using materials that shall maintain a minimum of 75% of their effectiveness year round. Visual buffers shall be designed, placed and maintained to reduce light from vehicular headlights from reaching onto adjoining streets and other properties.

- b. A portion of the required parking may be accommodated on access drives within the project area, provided such parking does not interfere with sight lines to pedestrian or vehicular access routes, directional signage, or interfere with vehicular access/egress in any area.
- c. Landscaped islands shall be designed with consideration given to the need for shade, pedestrian access where appropriate, snow storage, and the need to soften the appearance of large paved areas.
- d. Parking areas may consist of either pervious hard surfaces or impervious surfaces, provided that provisions acceptable to the Planning Board to manage surface water runoff. The Planning Board may allow up to 10% of the required parking to be constructed in an alternative paver which incorporates the use of grass or a “grass on gravel” system to allow for greater permeability and an appearance more characteristic of open space/courtyard features, to be used exclusively for overflow parking beyond that normally needed to service the uses on site. The location of such spaces should be in peripheral areas of the parking facility where they can enhance the appearance of adjoining open space and not be in a location where they would be in daily use or overlap with pedestrian activity.
- e. Parking areas shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels and shall conform to Lighting Standards in subsection G.9.
- f. Off-street parking spaces may be laid out in a perpendicular, angled, or parallel alignment provided adequate access is provided for vehicles to enter and leave the spaces, pedestrians to enter and leave the vehicles, and service and emergency vehicles to access the drives, parking areas, and buildings.
- g. Perpendicular or angled parking spaces shall not be less than 9 feet wide by 18 feet in depth. However, at the discretion of the Planning Board, up to 5% of the required parking spaces may be accommodated using a layout of an 8-foot width by a 17-foot depth. Such spaces shall be identified by a sign mounted at a height of not less than 5 feet or more than 8 feet indicating the space is for a subcompact car only. In no case shall parallel parking spaces be less than 8 feet in width (depth) and 22 feet in length.
- h. Driveways which can be shared for more than one use are encouraged, provided the Planning Board determines that sharing does not limit adequate service or emergency access at any time or serve as the only route of vehicular access to a project.
- i. Customer and residential pedestrian access areas shall include a combination of walkways and landscaping. Such pedestrian access shall be provided from the streets providing frontage and/or access for the project as well as the drives and parking areas within the project. Pedestrian access routes shall be laid out to minimize conflict with vehicular routes, and where the two cross, the pedestrian route shall be clearly marked on the vehicular surface and when appropriate, with signage. Pedestrian

access routes shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels.

### 3. General Parking Requirements

Off-street parking spaces in the amounts specified in Table of Parking Requirements shall be provided for each use, unless an alternate amount is approved through Site Plan Review or by Special Permit, in accordance with subsections I, J, and K, Minor and Major Site Plan Review Procedures, and Special Permit Review Procedures.

TABLE OF PARKING REQUIREMENTS		
Spaces per 1,000 sf		
Land Use	Maximum	Minimum
<b>Retail</b>	3	2
<b>General Office</b>	4	2
<b>Hotel, Motel, Lodgings</b>	1 space per sleeping room	1 space per sleeping room
<b>Medical Office</b>	4	3
<b>Restaurant</b>	1 space per 4 seats	1 space per 4 seats
<b>Coffee shop/cafe</b>	1 space per 2 seats	1 space per 3 seats
<b>Personal Services Establishment</b>	3	2
<b>Industrial</b>	2.5	1.5
<b>Social, Fraternal Organizations</b>	4	3
<b>Churches, places of worship</b>	1 space per 3 seats	1 space per 5 seats
<b>All other uses</b>	3 or other amount, as determined by the Planning Board based on the character of the use proposed	2 or other amount, as determined by the Planning Board based on the character of the use proposed

#### a. Waiver Requests

Applicants may seek a waiver from the Planning Board and the Planning Board shall have the authority through Site Plan Review to reduce the minimum number of parking spaces required or to exceed the maximum amount by up to 10%. Applicants seeking to exceed the maximum amount by more than 10% of the requirement shall obtain Special Permit approval from the Planning Board.

#### b. Shared Parking

The number of parking spaces required may be reduced for shared parking at the discretion of the Planning Board provided such reduction does not shift a demand for parking onto public streets or any areas not equipped to handle such activity.

1. Shared On-Site Parking

To implement shared on-site parking between two or more uses, the applicant shall provide expert analyses as part of Site Plan Review to demonstrate that proposed uses are either competing or non-competing and the applicant shall pay for peer review, as and if required by the Planning Board.

2. Non-competing Uses

In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 50% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap. An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board and the Board may require peer review of the information provided.

3. Competing Uses

In a mixed-use development, an applicant may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board shall have the authority, but not the obligation, to reduce the parking requirements of the predominant use by up to 30%.

4. In consideration of a request to share parking, the Planning Board shall require that an applicant shall provide evidence that satisfies the Board that the following conditions are satisfied:

- (a) The shared parking is sufficient to adequately service the adjoining uses without leaving either in a deficit of spaces needed;
- (b) The shared parking has well defined pedestrian access to both uses;
- (c) There is a legally binding and permanent agreement, executed by all parties to be served and recorded, which permits vehicular and pedestrian access to and from all the parcels involved; this agreement must be in place, and a copy provided to the Building Inspector before issuance of an Occupancy Permit.

**4. Building Design Standards**

- a. Variation in the overall architectural design, including set-backs and projections in the building facades, changes in roof ridge and eave height, and incorporation of porches, display windows and entrances that are pedestrian-scale and compatible with the small-scale character of Eastham shall be included in all new construction. All building facades that abut public streets should have characteristics similar to the primary façade. Applicants may refer to the Cape Cod Commission's Technical Bulletins "Designing the Future to Honor the Past: Design Guidelines for Cape Cod" and "Contextual Design on Cape Cod: Design Guidelines for Large Scale Development" for design guidance.

- b. All roof mounted mechanical equipment must be enclosed to reduce the noise of operation and eliminate visibility of such equipment from the equivalent of an adjoining second floor level. In no case shall roof mounted equipment or the accompanying enclosures exceed a height of 6 feet above, or occupy, with the exception of photovoltaic and associated solar energy systems, more than 30% of the area of the roof surface.
- c. Buildings with traditionally sloped roofs are preferred, and those with a pitch of at least 7/12 are allowed greater maximum building height than flat-roofed structures.
- d. Exterior building facades shall incorporate traditional building materials such as wood shingle or clapboard siding, or shall use composite materials that approximate or reference traditional siding materials.
- e. Building orientation, layout, and configuration shall be designed to provide adequate light and air for the proposed and adjoining buildings.

**5. Internal Roadways, Walkways, Paths and Parking Area Standards**

- a. Internal roadways shall be designed to provide for safety; visual appeal; separation of vehicular, bicycle and pedestrian traffic; convenient connectivity within and without the site; and maximum access to the various amenities and facilities on the site and to pathways on adjacent sites. All internal roadways, walkways, paths and parking areas shall be maintained by the owner or an association of unit owners, as applicable.

**6. Drainage and Storm Water Management Standards**

- a. Stormwater for all roadways, driveways and parking areas shall be managed and infiltrated on site, close to the source, to minimize runoff and maximize water quality treatment. Stormwater water quality treatment shall be consistent with 310 CMR and the Massachusetts Stormwater Management Handbook to attain 80-percent total suspended solids removal and to reduce nutrients. All designs shall provide for at least 44-percent total suspended solids removal prior to discharge into structured infiltration systems.
- b. Stormwater design for the first inch of stormwater flow from all roadways, driveways and parking areas shall use biofiltration practices including, but not limited to, vegetated swales and filter strips, constructed wetlands, tree box filters, bio-retention areas and rain gardens for treatment of stormwater runoff. Bioretention areas shall be constructed in accordance with the Massachusetts Storm Water Management Volume One: Stormwater Policy Handbook March 1997.

**7. Landscape Plan and Buffering Standards**

- a. No clear-cutting shall be permitted, except as necessary and incidental to development activities under an approved site plan. Required buffers shall maintain existing vegetation and topography to the greatest extent possible. Where additional planting is required to meet the landscaping standards in the ECSD Dimensional Table, new planting shall consist of mixed hardwood and evergreen trees, with

associated shrubs and groundcovers, planted to provide full screening within three years of planting. All development shall submit a maintenance agreement for a minimum of three growing seasons to insure vegetation is properly established. Any planting that does not survive for three years shall be replaced. Where, appropriate, pedestrian and bicycle accommodations may be installed within the landscape buffer. Applicants may refer to the Cape Cod Commission's website Design Resources page for guidance in meeting these standards.

#### **8. Service Access, Including Deliveries and Trash Removal Standards**

- a. Provisions shall be made for service vehicles to access the site and building so as not to obstruct pedestrian and vehicular access by residents, commercial patrons and emergency providers. All trash receptacles and areas to be used by service and delivery vehicles shall be visually and, to the extent reasonably practicable, acoustically buffered from adjoining residences by one or more of the following: earthen berms, fencing, and/or planting. Any relief granted shall be conditioned to require trash removal at sufficient frequency, especially during summer months, so as to mitigate odor and pest control issues. Any visual screening shall maintain a minimum of 75% of its effectiveness year-round. No service vehicle shall be allowed to have an engine idling for more than ten minutes unless it is necessary for the service being provided (for example: tree trimming, power washing, refrigeration, etc.).

#### **9. Lighting Standards**

Lighting shall be shielded such that peak candle power is at an angle of 75 degrees or less from vertical, and have a maximum luminaire mounting height of 30 feet, and a maximum off-site overspill of 1.0 foot-candles.

#### **10. Formula Business Review Criteria**

The purpose and intent of the Formula Business review criteria shall be to regulate the visual features and address the adverse aesthetic impact of nationwide, standardized businesses on the visual character of Eastham. The visual impact of formula based businesses would have a negative impact on the Town's distinctive Cape Cod character, which is critical to the Town's tourist-based economy and its status as a "Cape Cod vacation destination" and enhances the quality of life for residents. Formula Businesses which are identifiable through exterior arrangements (signs/colors/symbols and design and arrangement of structures and similar arrangements that visually identify the business as a chain or formula business) shall require Special Permit authorization from the Planning Board to ensure that the exterior arrangements in the ECSD shall not detract from Eastham's individuality and community character. In addition to Special Permit approval criteria provided in Subsection K.4 of this bylaw, the Planning Board shall take the following additional criteria into consideration when reviewing an application for Formula Business:

- a. The extent to which the exterior arrangements of the Formula Business would be compatible with and reflect the aesthetic appearance and individuality of the ECSD;
- b. The extent to which the exterior arrangements of the Formula Business that are typically used for the business at other locations outside of the ECSD have been proposed to be modified.

## H. ECSD REVIEW PROCEDURES

### 1. Purpose

#### a. Minor and Major Site Plan Review

The purpose of Site Plan Review is to provide for comprehensive review of proposed development in the ECSD that could impact the visual character, natural resources, and traffic circulation of the area. Site Plan Review shall be a process that allows the Planning Board or its designee to ensure that proposed development satisfies the requirements of Section V, District I.

#### b. Special Permit Site Plan Review

The purpose of Special Permit review is to ensure that new development and redevelopment which may have significant impacts upon ECSD or the Town of Eastham is designed in a manner that minimizes adverse impacts, in accordance with Chapter 40A of the Massachusetts General Laws.

### 2. Types of Review

#### a. Residential uses within the ECSD shall fall under Eastham Zoning Bylaw Section XIV Site Plan Approval Residential.

#### b. The following types of development require approval by the Planning Board or its designee prior to issuance of a building permit. **For changes, alterations, expansion of pre-existing non-conforming structures and uses also reference Section V, District I, subsection F.3.**

MINOR SITE PLAN Planning Board Designee Approval	MAJOR SITE PLAN Planning Board Approval	SITE PLAN SPECIAL PERMIT Planning Board Approval
<ul style="list-style-type: none"> <li>Exterior construction, expansion or alteration of structure(s) less than or equal to 500 sf GFA, OR</li> <li>Additional Site Coverage of less than or equal to 500 sf, OR</li> </ul>	<ul style="list-style-type: none"> <li>Exterior construction or expansion of structure(s) resulting in an increase between 501 – 3000 sf GFA, OR</li> <li>Increase greater than 500 sf of additional site coverage, OR</li> <li>Change of Use,</li> </ul>	<ul style="list-style-type: none"> <li>Exterior construction or expansion of structure(s) resulting in an increase greater than 3000 sf GFA, OR</li> <li>Use requiring a Special Permit per Table of Uses, OR</li> <li>Formula Business</li> </ul>
<ul style="list-style-type: none"> <li>Creation of 1- 4 additional parking spaces, and the parking is not located in front of lot, OR</li> </ul>	<ul style="list-style-type: none"> <li>Creation of 5 -10 additional parking spaces, OR</li> <li>Changes to site access, pattern of pedestrian and/or vehicular movement within the site or in relation to adjacent properties or streets, including interconnection(s) between adjacent lots, OR</li> </ul>	<ul style="list-style-type: none"> <li>New curb cut onto Route 6, OR</li> <li>Creation of greater than 10 additional parking spaces, OR</li> <li>Creation of new or change to existing Route 6 access, OR</li> </ul>
<ul style="list-style-type: none"> <li>1 new interior Accessory Dwelling Unit</li> </ul>	<ul style="list-style-type: none"> <li>2-3 new interior Accessory Dwelling Units (no change to building footprint), OR</li> <li>1-3 new dwelling units, principal or accessory use.</li> </ul>	<ul style="list-style-type: none"> <li>4 or more new dwelling units, principal or accessory use, OR</li> </ul>
		<ul style="list-style-type: none"> <li>Outside display of devices, goods or other objects for sale, rent or for the promotion of the business outside, if kept in place after daily business hours</li> </ul>



### **3. Site Plan Review Approval**

#### **a. Minor Site Plan Approval**

The Planning Board's designee, without a public hearing, shall issue a written determination for Minor Site Plan approval upon a determination that all of the requirements listed in Section V, District I, subsection G, ECSD District Wide Development Standards, have been satisfied.

#### **b. Major Site Plan Approval**

Major Site Plan approval shall be granted upon a favorable vote of a majority of the Planning Board and a public hearing shall be required.

#### **c. Site Plan Special Permit Approval.** Approval shall be granted only upon a favorable vote of a super-majority of the Planning Board following a public hearing.

- d. In granting Major Site Plan Review Approval, or Special Permit Approval, the Planning Board may impose reasonable conditions as may be necessary or appropriate to:**
1. Enforce compliance with substantive requirements of the Eastham Zoning Bylaw, unless waived.
  2. Protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Eastham.

### **4. Disapproval**

The Planning Board or its designee in the case of a Minor Site Plan review may deny approval of a site plan for a use allowed by right only on the grounds that the application materials or plan contents required under this Section V, District I, 2.b have not been submitted and/or were not submitted at the appropriate time.

### **5. Conditions**

Among its conditions, the Board or in the case of Minor Site Plan, its designee may require the provision of adequate security by the applicant, in such form and amount as may be determined by the Board. This security is to ensure the satisfactory completion of all improvements required by site plan approval. The Planning Board may also require a formal commitment to future compliance, including a monitoring program post-permit issuance for compliance purposes for a time specified in the site plan approval, including restrictive covenants which shall be recorded before any building permit issues.

### **6. Approval Lapse**

Site Plan and Special Permit Approval shall lapse three (3) years from the date of issuance unless construction or operation under the approval has commenced.

## **I. ECSD MINOR SITE PLAN PROCEDURES**

### **1. Preliminary Meeting**

Applicants are encouraged to schedule a preliminary meeting with Town Staff at which time the level of review may be determined. Such preliminary reviews may help identify general approaches and allow for exploration of potential problems at an early stage. Sketches, which need not be professionally prepared, are intended to initiate the

discussion and do not need to show all of the information required for a formal site plan application. The applicant should contact the Town Planner to schedule a preliminary review with Town staff.

## **2. Minor Site Plan Application Filing**

Each application for Minor Site Plan Approval shall be filed by the petitioner with the Planning Department.

- a. Each application shall be accompanied by the required fee:
  1. The fee schedule is listed in the Planning Board Regulations.
  2. The applicant will bear the costs of any outside planning or engineering consultant requested by the Planning Board or its designee.
- b. A complete filing for Minor Site Plan Approval shall include the following items:
  1. A completed application for Minor Site Plan Review.
  2. A letter of denial and/or zoning determination from the Building Commissioner.
  3. A site plan which may be prepared by the applicant. However, the Planning Board or designee may require the submission of additional information and/or may require information be prepared by a licensed professional if it is determined that such information is necessary to make an informed decision. All site plans shall be prepared using an appropriate scale and be based upon reliable datum, suitable for the content of the topic covered on the sheet and shall include the following:
    - (a) The location and boundaries of the lot, adjacent street/ways,
    - (b) Existing and proposed structures,
    - (c) The existing and proposed location of loading areas, driveways, walkways, access and egress points, and the location and number of parking spaces,
    - (d) The location for exterior components on the site such as refuse containers, benches, mechanical components etc.
    - (e) The location and description of existing signs and the location and a sketch of proposed signs with dimensions.

## **3. Minor Site Plan Application Review**

The Planning Board or its designee, in coordination with pertinent Town staff, shall review the application for compliance with the standards set forth in this section as well as all pertinent State and local regulations. The Planning Board or its designee may approve an application subject to such reasonable conditions as may be necessary or appropriate to:

- a. Enforce compliance with the pertinent requirements of the Eastham Zoning Bylaw.
- b. Protect the health, safety, convenience, and general welfare of the inhabitants of the Town of Eastham.

## **4. Minor Site Plan Decision**

The Planning Board or its designee, after completing review of the minor site plan, shall file a written decision not later than 45 days of receipt of a completed application in the office of the Town Clerk, and notify the applicant of the decision. The required time limits for the filing of such decision may be extended by written agreement of the

applicant and the designee, and a copy of such agreement must be filed in the office of the Town Clerk. Failure by the designee to act in the 45-day period shall be considered approval of the minor site plan. The applicant who seeks such approval because of the failure of the designee to act in the time prescribed shall notify the Town Clerk, in writing, within 14 days from the expiration of said 45 days or extended time.

#### **Appeal of Minor Site Plan Decision**

- Any person aggrieved by a decision of the designee on a minor site plan may appeal said decision to the Town of Eastham Planning Board. Such appeal must be filed with the Board within 20 days of the filing of the designee's decision with the Town Clerk.
- Any person aggrieved by a decision of the Planning Board on a Minor Site Plan may appeal said decision to the Town of Eastham Zoning Board of Appeals. Such appeal must be filed with the Zoning Board of Appeals within 20 days of the filing of the Planning Board's decision with the Town Clerk, and, only thereafter to a court of competent jurisdiction under MGL c. 40A, Section 17.

#### **J. ECSD MAJOR SITE PLAN PROCEDURES**

##### **1. Preliminary Meeting**

Applicants are encouraged to schedule a preliminary meeting with the Planning Board prior to a formal filing. Such preliminary reviews may help identify general approaches and allow for exploration of potential problems at an early stage. Sketches, which need not be professionally prepared, are intended to initiate the discussion and do not need to show all of the information required for a formal site plan application.

##### **2. Waiver of Major Site Plan Review.**

When meeting with the Planning Board for a preliminary review, the Board may vote to waive the applicant's need to submit an application for site plan review and/or waive certain submission requirements. The applicant must contact the Town Planner to schedule a preliminary review with the Planning Board.

##### **3. Major Site Plan Application Filing**

Each application for Major Site Plan shall be filed by the petitioner with the Town Clerk including the date and time of filing certified by the Town Clerk.

- a. Each application shall be accompanied by the required fee:
  1. The fee schedule is listed in the Planning Board Regulations.
  2. The applicant will bear the costs of any outside planning or engineering consultant requested by the Planning Board.
- b. A complete filing for Major Site Plan Approval shall include the following items:
  1. A completed application for Major Site Plan Approval/Special Permit
  2. A letter of denial and/or zoning determination from the Building Commissioner.
  3. Site plan(s) prepared by a Registered Professional Land Surveyor or Registered Professional Civil Engineer or both if required. All site plans shall be prepared at

a defined scale suitable for the content of the topic covered on the sheet and shall include the following:

- (a) The location and boundaries of the lot, adjacent street/ways and a list showing names and addresses of direct abutters and abutters to the abutters within 300 feet,
  - (b) Existing and proposed topography showing 2 foot contours, identifying the datum (i.e., "benchmark") used and significant land features, natural and man-made, including, but not limited to, the location of wetlands, streams, bodies of water, drainage swales and areas subject to flooding,
  - (c) Existing and proposed structures, including dimensions and all elevations,
  - (d) The existing and proposed location of loading areas, driveways, walkways, access and egress points, and the location and number of parking spaces,
  - (e) The location and description of all proposed on site wells, water supply systems, storm drainage systems, utilities, sites for enclosed refuse containers and location and capacity of septic systems,
  - (f) Proposed landscape plan showing the location and description of screening, fencing, plantings, significant trees and finished grade contours,
  - (g) The location and description of existing signs and the location and a sketch of proposed signs,
  - (h) The location and description of existing and proposed open space or recreation areas,
  - (i) A lighting plan showing existing and proposed exterior lighting, including building and ground lighting,
  - (j) A plan for the control of sedimentation and erosion if applicable,
  - (k) All easements, restrictions and covenants,
  - (l) A traffic study if required by the Planning Board.
- c. The Planning Board or designee may require additional information prepared by a licensed professional if it is determined that such information is necessary to make an informed decision.

#### **4. Major Site Plan Application Review**

- a. The Planning Board shall forward any application for Major Site Plan or Special Permit to the Health Agent, DPW Director, Building Commissioner, Conservation Agent, Police Chief and Fire Chief for their advisory review and written comments. Failure to respond within 30 days shall indicate presume approval by said agency. All recommendations to the Planning Board must be in writing. Failure of Boards to make recommendations prior to the date of the scheduled hearing shall be deemed to be acceptance of the plan.
- b. The Planning Board shall consolidate its site plan review and special permit procedures for proposals that require both Site Plan Approval and Special Permit authorizations.
- c. An application for a building permit to perform any of the activities listed under Section V.I H.2, ECSD Review Procedures allowed as-of-right shall be accompanied by an approved site plan.

- d. No deviation from an approved Major Site Plan shall be permitted without a modification thereof by site plan amendment, which shall be reviewed and approved by a majority vote of the Planning Board, unless waived.
- e. No building permit or certificate of occupancy shall be issued by the Building Commissioner without written approval of the Major Site Plan from the Planning Board, or unless sixty-five (65) days lapse after the date of submittal of the Major Site Plan without a public hearing or within 90 days elapse from the close of the public hearing with action by the Planning board or unless evidence of a waiver by the Planning Board is provided. A site plan application for a use allowed by right may only be denied if the Planning Board finds that it does not comply with the provisions of Section V.I or other applicable provisions of the Zoning Bylaw or that it lacks sufficient information to make such a finding.

**5. Major Site Plan Decisions**

The Planning Board, under the standards set forth here, reviews Major Site Plans and Special Permits. The Planning Board shall hold a public hearing including notice to all abutters, within sixty-five (65) days of receipt of the completed submission and shall make a decision within ninety (90) days of the opening of the public hearing. The required time limits for the filing of such decision may be extended by written agreement of the applicant and the designee, and a copy of such agreement must be filed in the office of the Town Clerk. Failure by the designee to act in the sixty-five-day period is considered approval of the Major Site Plan. The applicant who seeks such approval because of the failure of the designee to act in the time prescribed must notify the Town Clerk, in writing, within 14 days from the expiration of said 65 days or extended time.

**6. Appeal of Major Site Plan Decision**

- Any person aggrieved by the decision of the Planning Board on a Major Site Plan may appeal said decision to the Town of Eastham Zoning Board of Appeals within 20 days of filing the decision with the Town Clerk, and only thereafter to a court of competent jurisdiction under MGL c. 40A, Section 17.

**K. ECSD SITE PLAN SPECIAL PERMIT PROCEDURES**

**1. Applicability**

Development that requires a Site Plan Review Special Permit authorization in accordance with ECSD Use Table of this bylaw shall submit an application for Site Plan Special Permit approval. Special Permit authorization requires a vote of approval by a super majority of the Planning Board following a public hearing.

**2. Application Filing and Contents**

An application for Site Plan Review Special Permit shall follow the procedures provided in Section V, District I, subsection J.2.

### **3. Special Permit Application Review**

The Planning Board shall conduct review of Site Plan Review Special Permit applications in accordance with General Law Chapter 40A, Section 9 and shall follow the procedures provided in subsection J.3 (a)-(f) of this bylaw, which require a public hearing, with notice, and approval only upon supermajority vote.

### **4. Special Permit Approval Criteria**

The Planning Board shall grant a Special Permit upon the written determination, as applicable, that the adverse effects of the proposed use shall not outweigh its beneficial impacts to the public interest, the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any other specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

- (a) Impacts on economic or community needs;
- (b) Traffic flow and safety concerns, including Route 6 access limitations and preference for shared curb cuts with adjacent uses, including provision of sidewalks and pedestrian amenities, and including no parking in front yard setback area;
- (c) Adequacy of utilities and other public services;
- (d) Impacts on neighborhood character, including all dimensional requirements and including landscape buffers along Route 6;
- (e) Impacts on the natural environment; and
- (f) Fiscal impacts, including impacts on town services, the tax base and employment.

The Planning Board shall also make such further findings as may be otherwise required by this Bylaw and may impose such additional reasonable conditions, safeguards and limitations as it deems appropriate to protect the surrounding neighborhood including, but not limited to, imposition of reasonable requirements greater than the minimums set forth in this Bylaw to address specific facts and circumstances identified in the decision and provided that the increase in minimums shall not exceed 15% (e.g., 15% increase in parking or landscaping buffer). A Special Permit shall lapse if a substantial use thereof has not sooner commenced, or, in the case of a permit for construction, if construction has not commenced (except for good cause) within three (3) years from the date of grant thereof.

### **5. Special Permit Final Action**

The Planning Board's final action shall consist of either:

- (a) A written denial of the application stating the reasons for such denial when filed with the Town Clerk's Office; or
- (b) The issuance of the Site Plan Special Permit subject to any conditions, modifications, and restrictions as the Planning Board may deem necessary, in accordance with subsection K.4, when filed with the Town Clerk's Office.

### **6. Special Permit Appeals**

- Any person aggrieved by a decision of the Planning Board on a Site Plan Review Special Permit may appeal said decision to a court of competent jurisdiction under MGL c. 40A, Section 17.

## **L. SEVERABILITY**

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected thereby.

Passed – 2/3 majority vote declared by Moderator  
Count: 316 Yes 20 No

Article 23. A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw by adding new, **Section XIII Marijuana Regulations**, as follows:

## **SECTION XXIII – MARIJUANA REGULATIONS**

### **A. PURPOSE**

The purpose of the marijuana bylaw is to provide for the placement of Recreational Marijuana Establishments (“RME”) and Medical Marijuana Treatment Centers (“MMTC”) in accordance with An Act To Ensure Safe Access to Marijuana, c.55 of the Acts of 2017 (the “Act”), and all regulations which have or may be issued by the Department of Public Health and the Cannabis Control Commission, including, but not limited to 105 CMR 725.00 and 935 CMR 500.00, in locations suitable for such uses, which will minimize adverse impacts of RMEs and MMTCs on adjacent properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of such uses.

### **B. DEFINITIONS**

Any term not specifically defined herein shall have the meaning as defined in MGL c.94I, §1 and 105 CMR 725.00 implementing an Act for the Humanitarian Medical Use of Marijuana and MGL c.94G, §1 and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use Marijuana, as such statutes and regulations may from time to time be amended.

1. "Recreational Marijuana Establishment" (“RME”) shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business as defined in MGL c.94G, §1 or the Cannabis Control Commission Regulations 935 CMR 500.00.
2. “Marijuana Retailer” shall mean an entity licensed by the Cannabis Control Commission to purchase and deliver recreational marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer

recreational marijuana and marijuana products to marijuana establishments and to consumers, as defined in MGL c.94G, §1 and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use Marijuana.

3. “Medical Marijuana Treatment Center Dispensary/Retail” (MMTCDR) shall mean an entity registered by the Department of Public Health or the Cannabis Control Commission that acquires, transfers, transports, sells, distributes, dispenses, or administers medical use marijuana, products containing medical use marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.
4. Medical Marijuana Treatment Center Cultivation/Processing” (MMTCCP) shall mean an entity registered by the Department of Public Health or the Cannabis Control Commission that cultivates, possesses, transfers, transports and/or processes medical use marijuana or products containing medical use marijuana and related supplies to qualifying Medical Marijuana Treatment Center Dispensary/Retail.

### C. ELIGIBILITY

USE	ZONING DISTRICT
Marijuana Cultivator	Trade Park
Marijuana Product Manufacturer	Trade Park
Independent Testing Laboratory	Trade Park
Marijuana Retailer	Core, Transition Commercial
Medical Marijuana Treatment Center Dispensary/Retail(MMTCDR)	Core, Transition Commercial
Medical Marijuana Treatment Center Cultivation/Processing (MMTCCP)	Trade Park
Other Licensed Recreational Marijuana Establishment	Trade Park

1. RMEs shall conform to 935 CMR 500.000: Adult Use of Marijuana, in addition to any requirements herein.
2. MMTCs shall conform to 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, and any regulations which may be subsequently issued by the Cannabis Control Commission, as well as any requirements herein.
3. A Special Permit is required for all RMEs and MMTCs. The special permit granting authority shall be the Planning Board.
4. A Special Permit granted under this section shall have a term limited to the duration of the applicant’s ownership or lease of the premises for an RME or MMTC, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing RME



or MMTC location or transfer of an existing license to a new owner of an RME or MMTC shall require a new Special Permit pursuant to the Eastham zoning bylaws.

#### **D. APPLICABILITY OF REGULATIONS**

1. The cultivation, production, processing, manufacturing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted as a RME or MMTC under this section.
2. The number of any type of RMEs shall be limited to not more than two (2) of the same type of RMEs in Eastham.
3. On-site consumption of marijuana products at RMEs or MMTCs, as either a primary or accessory use, shall be prohibited unless permitted by a local ballot initiative process, as allowed by MGL 94G §3(b). The prohibition on on-site social consumption shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the premises, regardless of whether the product is sold to consumers on site.
4. Hours of operation for Recreational Marijuana Retailers and Medical Marijuana Treatment Centers shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to MGL 138 §15, but may be limited by conditions of the special permit.

#### **E. GENERAL REQUIREMENTS**

1. No RME or MMTC shall be located within 500 feet, as measured from each lot line of the subject lot, of the following pre-existing uses: K-12 educational use; childcare center; public park; playground; or children's camp.
2. Applicants for an RME or MMTC shall provide the licensing agent's approved security plan to the Police Chief and Fire Chief prior to the granting of a Special Permit.
3. An approved Host Community Agreement shall be required prior to the granting of a Special Permit for a RME or MMTC.

Passed – 2/3 majority vote declared by Moderator  
Count: 294 Yes 39 No

Article 24. A motion was made and seconded by the Board of Selectmen to accept the provisions of Massachusetts General Laws Chapter 64N, Section 3(a), as recently amended by Section 13 of Chapter 55 of the Acts of 2017, and to authorize the Town to impose a local sales

tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment, at the rate of 3 percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products.

Passed – majority vote declared by Moderator  
Count: 300 Yes 32 No

Article 25. A motion was made and seconded by the Board of Selectmen to accept the provisions of Massachusetts General Laws, Chapter 64L, Section 2(a) and to impose a local sales tax upon the sale of restaurant meals of .75 percent of gross receipts.

Passed – majority vote declared by Moderator  
Count: 283 Yes 44 No

Article 26. A motion was made and seconded by the Board of Selectmen to transfer the care, custody, management, and control of the parcel of land identified as Map 8, Parcel 120, located at 255 Old Orchard Road, consisting of approximately 18.738 acres, from the Town Treasurer currently held for tax title purposes or from any other town board or officer having custody of the land, to the Board of Selectmen to be held for general municipal purposes and for the purpose of leasing; and further to authorize the Board of Selectmen to enter into a lease of said parcel of land for a term not to exceed twenty years, for energy storage purposes; and to further authorize the Board of selectmen to grant any easements that may be necessary in connection with said lease.

Passed – 2/3 majority vote declared by Moderator  
Count: 292 Yes 24 No

Article 27. A motion was made and seconded by the Board of Selectmen to amend the Eastham General Bylaw Article II, Chapter 17 Animals as follows:

~~Strikethrough~~ = Language proposed for deletion  
Underline = Language proposed for inclusion

1. Add a new Section 17-9(D), to provide as follows:

D. No person shall chain or tether a dog or confine a dog outside in the Town of Eastham, except as permitted in Massachusetts General Laws, Chapter 140, Section 174E, as may be amended from time-to-time.

2. Delete Section 17-2 in its entirety.

3. In Section 17-9(C), delete the portion shown in strikethrough below:

All dog owners, keepers or persons having control of a dog are responsible for immediately removing and disposing of, in a sanitary manner, all solid wastes produced by said dog on any property, other than the property of the dog owner. There shall be a zero tolerance policy towards the non-removal of solid dog waste; no written warning shall be given. ~~Any person who violates this provision of this bylaw shall be subject to the following penalties in addition to any other available penalty or remedy at law or in equity:~~

~~(1) First offense: \$50~~

~~(2) Second and subsequent offenses: \$100.~~

4. In Section 17-13, delete the existing language and replace it with the following:

**§17-13. Violations and Penalties.**

- A. The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.
- B. In addition to the remedies set forth in this Bylaw and in GL c. 140, §§136A to 174E, inclusive, including but not limited to GL c. 140, §157A, or any other applicable provision of law, this Chapter may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this Chapter shall be subject to the following penalties:
- |                                   |            |
|-----------------------------------|------------|
| First Offense:                    | \$50 fine  |
| Second Offense:                   | \$100 fine |
| Third Offense:                    | \$200 fine |
| Fourth and Subsequent<br>Offense: | \$300 fine |
- C. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. A separate offense is not limited to an offense within a calendar year from the first offense.
- D. The Town may enforce this Chapter or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

Passed – majority vote declared by Moderator  
Count: 294 Yes 16 No

Articles 28 through 37; excluding article 32 (which was taken out of order).

A motion was made and seconded by the Board of Selectmen to appropriate and transfer from the FY19 estimated community preservation revenues to Community Preservation budgeted reserves in the following amounts: **\$83,501 each** for open space, historic resources, affordable housing and active recreation, with remaining amounts reserved for appropriation, as specified in Article 28; transfer from the Community Preservation Undesignated Fund Balance **\$41,750** for administrative support services as specified in Article 29; transfer **\$279,593** from the Community Preservation Undesignated Fund Balance for debt payments for previous land acquisitions as specified in Article 30; transfer **\$250,000** from the Community Preservation Undesignated Fund Balance to the Eastham Affordable Housing Trust in support of housing assistance programs as specified in Article 31; transfer **\$450,000** from Community Preservation Undesignated Fund balance to assist funding of construction of the Campbell-Purcell Community Housing Development as specified in Article 33; transfer **\$60,000** from Community Preservation Historic Preservation Reserve to the Eastham Windmill as specified in Article 34; transfer **\$99,000** from Community Preservation Undesignated Fund balance as a grant to the Nauset Fellowship to continue restoration of Chapel in the Pines as specified in Article 35, provided that the town shall not enter into any grant agreement or disburse grant funds for the project until the Community Preservation Committee makes a determination that said grant is eligible for funding under the standards established in the decision issued by the Massachusetts Supreme Judicial Court in Caplan v. the Town of Acton, issued on March 9, 2018; transfer **\$71,000** from Community Preservation Active Recreation Reserve for the Field of Dreams Project as specified in Article 36; transfer the sum of **\$40,000** from Community Preservation Historic Preservation Reserves, to the Eastham Historical Society to preserve the Ranlet tool Museum as specified in Article 37 so that the articles read as follows:

Article 28. To appropriate and transfer, pursuant to the provisions of G.L.C44B (6) from the FY19 estimated community preservation revenues to reserves in the following amounts: **\$83,501** open space purposes, **\$83,501** historic preservation purposes **\$83,501** affordable housing purposes, **\$83,501** active recreation purposes and **\$501,002** to the FY18 Community Preservation budgeted reserve for appropriation, for a total of **\$835,006**.

Article 29. To transfer and appropriate \$ **41,750** from the Community Preservation Undesignated Fund Balance as allowed by law to cover administrative support expenses.

Article 30. To transfer the sum of **\$279,593** from the Community Preservation Undesignated Fund Balance for the purpose of paying debt payments for the following land acquisitions: Dyer Prince (Harris) Land Purchase **\$202,593** and the Aschettino Land Purchase **\$77,000**.

Article 31. To transfer the sum of **\$250,000** from the Community Preservation Undesignated Fund Balance to the Eastham Affordable Housing Trust in support of housing

assistance programs which may include a Rental Subsidy Program, a Housing Preservation Program, a Lease to Own Program and a Closing Cost Assistance Program or other programs deemed appropriate by the Eastham Affordable Housing Trust. Housing units created under any of the current and proposed affordable housing assistance programs would be subject to such terms and conditions which the Eastham Affordable Housing Trust may require, in order to ensure the long term viability of affordable housing units.

Article 33. To see if the Town will vote to transfer the sum of **\$450,000** from Community Preservation Undesignated Fund Balance to Pennrose Properties LLC to assist in funding the construction of the "Campbell-Purcell Community Housing Development" a 65-unit affordable rental housing development located at 4300 State Highway, Eastham, MA and further to authorize the Board of Selectmen to enter into a grant agreement with Pennrose Properties, LLC, which agreement shall require that Pennrose Properties, LLC, grant to the Town an affordable housing restriction on said property meeting the requirements of G.L. c. 184, Sections 31-33.

Article 34. To transfer the sum of \$60,000 from Community Preservation Historic Preservation Reserve for expenditure under the direction of the Board of Selectmen for the purpose of preserving the Eastham Windmill.

Article 35. To transfer the sum of \$99,000 from Community Preservation Undesignated Fund Balance as a grant to the Nauset Fellowship, a nonprofit corporation, for the purpose of restoring and preserving the historical structure located on its property at 220 Samoset Road known as the "Chapel in the Pines"; and further to authorize the Board of Selectmen to enter into a grant agreement with said Nauset Fellowship, which agreement shall require that said Nauset Fellowship grant to the town a historic preservation restriction on said property meeting the requirements of G.L. c. 184 and upon such other terms and conditions as the Town Administrator shall deem appropriate provided that the town shall not enter into any grant agreement or disburse grant funds for the project until the Community Preservation Committee makes a determination that said grant is eligible for funding under the standards established in the decision issued by the Massachusetts Supreme Judicial Court in *Caplan v. the Town of Acton*, issued on March 9, 2018.

Article 36. To transfer the sum of \$71,000 from Community Preservation Active Recreation Reserve, for expenditure under the direction of the Board of Selectmen for the construction of new recreational facilities or the repair of existing recreational facilities located at the Field of Dreams (rear of Town Hall).

Article 37. To transfer the sum of \$40,000 from Community Preservation Historic Preservation Reserves, to be expended as a grant to the Eastham Historical Society, a non-profit corporation, for the purpose of preserving a structure on its property at 2375 Route 6, known as

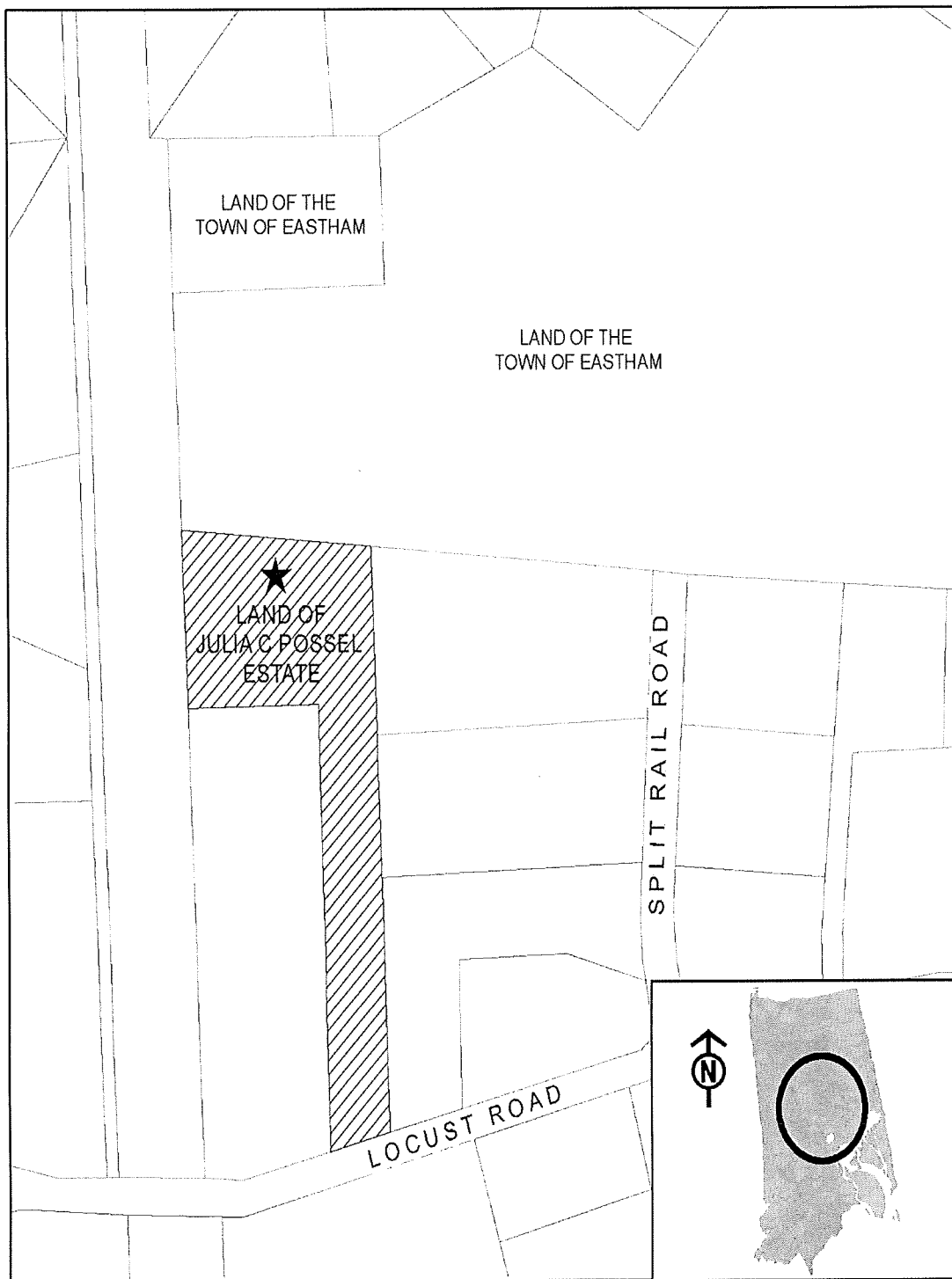
the “Ranlett Tool Museum”; and further to authorize the Board of Selectmen to enter into a grant agreement with said Eastham Historical Society, which agreement shall require that said Eastham Historical Society grant to the town an historic preservation restriction on said property meeting the requirements of G.L. c. 184 and upon such other terms and conditions as the Town Administrator shall deem appropriate.

Articles 28, 29, 30, 31, 33, 34, 35, 36, 37  
Passed – majority vote declared by Moderator  
Count: 273 Yes 32 No

Article 32. A motion was made and seconded by the Board of Selectmen to transfer the sum of \$15,000 from Community Preservation Undesignated Fund balance to the Cape Community Housing Partnership for the purposes of funding the “Cape Housing Institute” and to authorize the Board of Selectmen to enter into a grant agreement with the Community Development Partnership.

Passed – majority vote declared by Moderator  
Count: 243 Yes 30 No

Article 38. A motion was made and seconded by the Board of Selectmen to appropriate the sum of \$250,000 for the acquisition and other related costs associated therewith from the Community Preservation Open Space Reserve, and authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain, a fee simple interest or less in, a parcel of land containing 1.623 acres, more or less located at 390 Locust Road, Eastham. and more particularly described in a deed dated October 17, 1969, recorded with the Barnstable County Registry of Deeds in Book 1453, Page 305 and shown as Lot 8B on a plan of land entitled “Plan of Land in Eastham being a division of Lot 8 as shown in Plan Book, 233 Page. 17 made for the *Estate of Julia C. Possel*,” a copy of which is on file with the Eastham Town Clerk, to be held under the care, custody, management and control of the Eastham Conservation Commission for open space, conservation and passive recreation purposes, under such terms and conditions as the Board of Selectmen may impose; and as funding therefore to appropriate the sum of no more than **\$250,000** for the acquisition and other related costs associated therewith from the Community Preservation Open Space Reserve, said sum shall be reduced by the amount of any grants or gifts received pursuant to the provision of G.L. c.44B, sec. 11, G.L. c.44, sec.7 or any other enabling authority; and further to authorize the Board of Selectmen to grant to the Trustees of the Eastham Conservation Foundation, a perpetual conservation restriction on the property in accordance with the provisions of G.L. c.44B, sec.12 and G.L. c.184, sec.31-33; and further to authorize the Board of Selectmen and the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts or any other grant programs.



Passed – 2/3 majority vote declared by Moderator  
Count: 248 Yes 52 No

Article 39. Petitioner Jonathan Granlund made a motion, which was seconded, to appropriate the sum of \$100,000, for the costs associated with the engineering study and obtaining permits to dredge Nauset Estuary, including all costs incidental and related thereto; and that to meet said appropriation, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$100,000 and to issue bonds and notes therefor pursuant to M.G.L. Chapter 44, Sections 7 or 8 or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Passed – 4/5 majority vote declared by Moderator  
Count: 251 Yes 40 No

Article 40. Petitioner Arthur Autorino made a motion, which was seconded, that the Town shall make every effort to reconcile all property descriptions and records and take immediate steps to educate potential buyers of inconsistencies in property descriptions due to regulatory differences.

Passed – majority vote declared by Moderator  
Count: 142 Yes 114 No

Article 41. A motion was made and seconded by the Board of Selectmen to see if the Town will accept the published reports of the Town officers as printed and made available to the public in the 2017 Town of Eastham Annual Report, and to hear any unpublished reports of committees and to do or act on anything which may legally come before this meeting.

Passed – unanimous voice vote declared by Moderator

Article 42. A motion was made by the Moderator that the 2018 Annual Town Meeting be dissolved.

Passed – unanimous voice vote declared by Moderator

There were 353 voters present at the close of Town Meeting out of a possible 4158. There being no further action of the Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 9:30 pm. The Moderator declared Town Meeting dissolved after a unanimous vote by voters.

A True Copy Attest:



Susanne Fischer  
Town Clerk